

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

JAMES EDWARD SCOTT, III,

Plaintiff,

v.

LEAH BORIES, *et al.*,

Defendants.

Case No. 3:23-CV-00260-MMD-CLB

**ORDER DENYING MOTION  
REQUESTING SCHEDULING ORDER  
AND MOTION TO PROVIDE  
INFORMATION REGARDING  
IDENTIFICATION OF UNSERVED  
DEFENDANT**

[ECF Nos. 14, 16]

On April 5, 2024, Plaintiff James Edward Scott filed a motion requesting that the Court issue a scheduling order and open and/or initiate discovery, (ECF No. 14), and a motion to provide information to aid the Office of the Attorney General ("OAG") in the identification of the remaining unserved defendant, (ECF No. 16.)

First, Plaintiff's motion requesting that the Court issue a scheduling order, (ECF No. 14), is denied as moot. The Court issued the discovery plan and scheduling order on May 6, 2024, (ECF No. 18), following the filing of Defendant Robert Smith's answer (ECF No. 17).

As to Plaintiff's motion to provide information to aid the OAG in the identification of the remaining unserved defendant, (ECF No. 16), this motion is denied. Plaintiff's motion is essential asking that the Court order the OAG to take additional steps to identify the unserved defendant. The Court has already denied a similar motion, and instructed that Plaintiff must further identify the defendant, it is not the OAG's responsibility. Again, in this Court's order regarding service, (ECF No. 10), the Court instructed Plaintiff that if service cannot be accepted for any of the named defendants, Plaintiff must file a motion identifying the unserved defendants, including specifying a full name and address for the defendants. (*Id.* at 2.) Thus, to the extent Plaintiff requests that Defendants identify these defendants, this is an improper request. If Plaintiff can identify these defendants during the course of discovery, he may file a motion for service with a full name of these

1 defendants. Plaintiff is reminded that he must perfect service by June 2, 2024, pursuant  
2 to Fed. R. Civ. P. 4(m).

3 Consistent with the above, **IT IS ORDERED** that Plaintiff's motion to issue a  
4 scheduling order, (ECF No. 14), is **DENIED as moot** and Plaintiff's motion regarding  
5 identify of unserved defendants, (ECF No. 16), is **DENIED**.

6 **DATED:** May 6, 2024

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9 **UNITED STATES MAGISTRATE JUDGE**